

NOTICE OF PUBLIC HEARING

DATE: October 11, 2002

TO: ALL STATE AGENCIES AND EMPLOYEE ORGANIZATIONS,
MEMBERS OF THE GOVERNOR'S CABINET

SUBJECT: PUBLIC HEARING TO ADOPT NEW ARTICLE 3.5 AND SECTION 50
IN TITLE 2 OF THE CALIFORNIA CODE OF REGULATIONS

PLEASE TAKE NOTICE THAT on Wednesday, November 6, 2002, at 9:30 a.m. in Room 150 of the State Personnel Board, 801 Capitol Mall, Sacramento, CA 95814, the State Personnel Board (SPB) will conduct a public hearing. The purpose of the hearing is to receive oral comments on the recommendations of SPB staff to adopt in Title 2 of the California Code of Regulations new Article 3.5 and new Section 50.

We are providing you with the attached copy of the Board Item that will be presented to the five-member State Personnel Board (Board) at the November 6, 2002, hearing, as well as the text of the proposed Article 3.5, Section 50. The new Section 50, entitled *Merit Selection Manual*, incorporates by reference the State Personnel Board's *Merit Selection Manual: Policy and Procedures*, dated November 2002. The full text of the *Merit Selection Manual: Policy and Practices* is available on the SPB's website at www.spb.ca.gov/spblaw/pinkiesrd.cfm. A limited number of printed copies of the *Merit Selection Manual: Policy and Practices*, dated November 2002, are available from the SPB's Policy Division. To request a copy, please call Robin Bogdanich at (916) 654-6341.

If you have any questions regarding the hearing, you may contact Shelley Langan, Manager, Special Projects, Policy Division at (916) 654-8538. Those wishing to provide written comments may submit their comments to Ms. Langan, State Personnel Board, 801 Capitol Mall, MS 55, P.O. Box 944201, Sacramento, CA 94244-2010; written comments are to be received by 5:00 p.m. on November 4, 2002. This is to allow time for SPB staff to provide copies of any written comments to the Board for their consideration at the time of the hearing.

Mike Willihnganz
Chief, Policy Division

Attachments

TO: STATE PERSONNEL BOARD

FROM: SHELLEY LANGAN, Manager, Special Projects Unit
MIKE WILLIHNGANZ, Chief, Policy Division

REVIEWED BY: LAURA M. AGUILERA
Assistant Executive Officer

REASON FOR HEARING:

A hearing has been scheduled to allow comments from interested parties on the proposed adoption of the new Article 3.5 and new Section 50 to the California Code of Regulations (CCR). The new Section 50, entitled *Merit Selection Manual*, incorporates by reference the State Personnel Board's *Merit Selection Manual: Policy and Practices*, dated November 2002.

SUMMARY OF ISSUES:

Article VII of the California Constitution provides for the oversight of the State's civil service system and enforcement of its civil service laws by the State Personnel Board (SPB). The SPB is further authorized to promulgate rules and regulations to ensure compliance with the civil service laws by State agencies and departments.

The proposed new Article 3.5 and new Section 50 incorporate by reference the State Personnel Board's *Merit Selection Manual: Policy and Practices*, dated November 2002. It is intended that the *Merit Selection Manual* will establish policy and provide guidance to State agencies and departments engaged in testing and selection activities for the State's civil service. The *Merit Selection Manual* will help to ensure that selection activities are conducted consistently among agencies and departments on the basis of merit and fitness, as called for in the State Constitution and applicable statutes in the Government Code.

The SPB will utilize the *Merit Selection Manual* to clarify policy and establish standards for the State's selection system. The promulgation of such policy and standards will ensure that selection activities are legally defensible, merit-based, and best meet the State's selection needs. It is the SPB's intent to produce and issue one manual which shall incorporate the relevant rules and regulations pertaining to selection activities in the State's civil service.

As the *Merit Selection Manual* is updated and revised, Section 50 will be revised to specify the appropriate manual revision date. New and revised sections for the *Merit Selection Manual* will then be made available to all State agencies and departments.

RECOMMENDATION:

It is recommended that the State Personnel Board adopt the attached new Article 3.5, Section 50 of Title 2 of the California Code of Regulations.

Attachment: Text of Proposed Regulation, Article 3.5, Section 50 of Title 2 of the California Code of Regulations

Regulation Governing Merit Selection Manual

All new text is indicated by underline. A double underline with italics indicates new text that is intended to be italicized in the final printing.

Title 2. ADMINISTRATION

Division 1. Administrative Personnel

Chapter 1. State Personnel Board

Subchapter 1. General Civil Service Regulations

Article 3.5. Selection Standards.

§ 50. Merit Selection Manual.

Each agency and department shall develop and maintain a selection program as specified in the State Personnel Board's *Merit Selection Manual: Policy and Practices*, dated November 2002, and in accordance with existing laws and rules. The State Personnel Board's *Merit Selection Manual: Policy and Practices*, dated November 2002, is hereby incorporated by reference in its entirety.

NOTE: Authority cited: Section 18701, Government Code.
Reference: Article 7, Sections 1 and 3, California Constitution; Sections 18500, 18900, 18930, 18950, and 19050, Government Code.